

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LEO PAUL CARMONA,

Petitioner,

v.

Case No. 2:08-cv-67
HON. R. ALLAN EDGAR

JEFFREY WOODS,

Respondent.

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**OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on June 12, 2009. The Report and Recommendation was duly served on the parties. The Court has received objections from petitioner. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

Petitioner objects to the recommendation to deny his motion to hold his petition in abeyance while he attempts to exhaust additional issues in the state courts. Petitioner has failed to comply with the requirements of *Rhines v. Weber*, 125 S. Ct. 1528 (2005). Petitioner does not have a pending state court action. Petitioner wishes to raise several claims that present no constitutional issues and simply raise matters under state evidence rules.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (Docket #33) is approved and adopted as the opinion of the Court.

Dated: _____ 8/4/09

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE